

CHAPTER 23
SWIMMING POOLS

PART 1

PRIVATE SWIMMING POOLS

- §23-101. Definitions
- §23-102. Applicability
- §23-103. Construction
- §23-104. Enclosure
- §23-105. Location on the Property
- §23-106. Design and Construction Requirements
- §23-107. Property Rights
- §23-108. Shielding Lights
- §23-109. Unnecessary Noise
- §23-110. Electrical Connections
- §23-111. Penalties
- §23-112. Special Coverage Requirements

PART 1

PRIVATE SWIMMING POOLS

§23-101. Definition.

As used in this Part, the following words and terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

SWIMMING POOL—any artificially constructed portable or permanent swimming pool, either above or below the surface of the ground, designed to hold water and to be used for the purposes of a swimming pool either for wading, bathing or swimming purposes. Further, a swimming pool, either above-ground or in-ground, shall mean such pools having sidewalls greater than 2 feet or having a water surface area greater than 100 feet. A swimming pool shall not include any structure of solid material either above or below the surface of the ground having a water surface less than 100 square feet even if permanently equipped with water circulating system or involve material such as a jacuzzi or hot tub. The term swimming pool shall include an above-ground swimming pool, as hereinafter defined, and an in-ground swimming pool, as hereinafter defined.

ABOVE-GROUND SWIMMING POOL—any artificially constructed portable or permanent swimming pool capable of being used for swimming or bathing, having a sidewall depth of 2 feet or more measured for the top of the sidewall to the bottom of the swimming pool at any point and does not meet the definition of an in-ground swimming pool.

IN-GROUND SWIMMING POOL—any artificially constructed permanent swimming pool capable of being used for swimming or bathing, having sidewall depth (from top of sidewall to bottom or pool) of 2 feet or more at any point. An in-ground swimming pool shall not extend more than 6 inches (measured from the coping) above any point of the surrounding finished grade.

PRIVATE SWIMMING POOL—an outdoor swimming pool, to include above-ground swimming pool and in-ground swimming pool, used or intended to be used solely by the owner or owners of the residential property, his, her or their guests, or lessee thereof, and his, her or their family, and by guest invited to use it without payment of any charge for admission or other charge.

PUBLIC SWIMMING POOL—a swimming pool constructed and used by persons other than a private family and their guest where admission or other charge is made. This Chapter does not apply to public swimming pools; see Chapter 27.

(Ord. 361, 4/8/1986; as amended by Ord. 365, 4/14/1987, §101)

SWIMMING POOLS

§23-102. **Applicability.**

This Part shall apply to all new swimming pools hereinafter constructed as well as existing swimming pools. This Part shall not apply to public swimming pools.

(*Ord. 361, 4/8/1986; as amended by Ord. 365, 4/14/1987, §102*)

§23-103. **Construction.**

1. **Application for Building Permit.** Before any work is commenced on the construction of a swimming pool or on any addition, alteration, remodeling or other improvement to any swimming pool, an application for a permit, together with plans and specifications pertinent to the construction, as well as explanatory data, shall be submitted to the Code Enforcement Officer. No part of the work (including earth removal) shall be commenced until proof that a building permit has been issued by the Code Enforcement Officer. The fee for such building permit shall be established, from time to time, by resolution of Borough Council.
2. **Plans and Specifications.** All plans, including a plot plan, shall bear the name and seal of a registered architect or registered engineer. The plot plan shall show the location of all buildings, including, but not limited to, the principal residence or structure and accessory buildings, if any, the location of the proposed swimming pool on the property, distances to all property lines in the immediate vicinity of the swimming pool, location of well, if any, location of sewage disposal system, if any, location of utility lines and location of proposed closure or fence around the swimming pool or property.
3. **Standard Swimming Pools.** Standard swimming pools, designed by established swimming pool companies, having been previously approved by a registered engineer or registered architect shall be acceptable. Further, a standard swimming pool kit (the components of the swimming pool to be constructed or installed by the applicant) designed by established swimming pool companies having been previously approved by a registered engineer or registered architect shall be acceptable.

(*Ord. 361, 4/8/1986; as amended by Ord. 365, 4/14/1987, §103*)

§23-104. **Enclosure.**

1. Every swimming pool, whether in-ground or above-ground, shall be completely surrounded by a fence, wall or similar enclosure not less than 4 feet in height, which shall be so constructed as to have no openings, holes or gaps larger than 2 inches in any dimension. If the fence or wall is a picket fence, the horizontal dimensions maintained shall not exceed 4 inches. A dwelling or accessory building may be used as part of such enclosure.
2. All gates through such enclosures shall be self-closing and equipped with self-latching devices on the swimming pool side for keeping the gate securely closed at all times when not in use, except that the door of any dwelling or

accessory building which forms a part of the enclosure need not be so equipped. The self-latching device shall be at least 3½ feet above ground level. The fence, wall or similar enclosure, shall completely surround the pool and the deck area, provided, however, that the fence may be constructed at or near the rear or side property lines of the property. Fences shall be erected around all existing above-ground and in-ground swimming pools, not later than June 16, 1987.

(*Ord. 361, 4/8/1986; as amended by Ord. 365, 4/14/1987, §104*)

§23-105. Location on the Property.

1. A swimming pool shall be located at the rear of the principal structure or dwelling or within the sideyard, provided that any pool within the sideyard shall be at least 15 feet behind the building line of the principal structure or dwelling. No swimming pool shall be located or constructed in the front yard. A swimming pool, measured from the pool wall, shall not be located less than 10 feet from:
 - A. The principal residence or dwelling.
 - B. A detached garage.
 - C. Any property line, except that an in-ground swimming pool, measured from the pool wall, may be located within 5 feet of the rear property line or within 5 feet of the side property line, or both, if the lot is 50 feet or less in width.
 - D. Any basement wall or cellar wall.
2. No swimming pool shall be located so as to interfere with the operation of a well or onlot septic system or be located where there is potential danger of a septic system discharging into the swimming pool or the area adjacent to the swimming pool.

(*Ord. 361, 4/8/1986; as amended by Ord. 365, 4/14/1987, §105*)

§23-106. Design and Construction Requirements.

No building permit to construct a new swimming pool (existing swimming pools are excluded from this Section) shall be issued unless and until the following design and construction requirements are observed:

- A. **Material.** The material used for lining a swimming pool shall be impervious and shall provide a tight tank with easily cleaned surfaces. Sand or dirt bottoms are prohibited if uncovered.
- B. **Walls and Bottom.** All pool walls and bottoms shall be designed to withstand water pressure from within and to resist the pressure of earth or ground water when the swimming pool is empty.

SWIMMING POOLS

- C. **Deck.** There shall be a minimum of 3 feet of concrete, stone, brick or block sidewalk or other all weather surface, including wood, completely around and abutting all in-ground swimming pools. The all weather surface shall be designed in such manner as to direct drainage away from the swimming pool and in such a manner as not to drain upon adjoining properties. The all weather surface shall be designed and constructed in such a manner as to be safe from slipping.
- D. **Steps, Ladders, Handholds.** One or more means of egress shall be provided from the swimming pool. Treads of stops or ladders shall have slip resistant surfaces and handrails on both sides, except that the handrails may be omitted when there are not more than four steps or when the steps extend the full width of the side or end of the swimming pool.
- E. **Make-Up Water.** Swimming pools shall be equipped with suitable facilities for adding make-up water as required. There shall be no physical connection between the water supply line and the swimming pool system. When the make-up water is added to the swimming pool, the inlet shall be at least 6 inches above the pool water surface.
- F. **Recirculation.** Provision shall be made for complete circulation of water throughout the swimming pool. The system shall be designed and constructed so that a turnaround at least once every 12 hour period shall be provided. Recirculation systems shall consist of pumping equipment, hair-and-lint catcher, filters, together with all necessary pipe connections to the pool inlets and outlets, facilities and pipe connections necessary for backwashing or cleaning filters.
- G. **Safety Equipment.** Life preservers, ropes and poles shall be readily available at the swimming pool site.
- H. **Drainage System.** The swimming pool and equipment shall be equipped to completely empty the water and the discharge to water shall be disposed of in such a manner that will not create a nuisance to an adjoining property.

(Ord. 361, 4/8/1986; as amended by Ord. 365, 4/14/1987, §106)

§23-107. Property Rights.

No swimming pool shall be so located or maintained as to interfere unduly with the enjoyment of the rights of others, specifically including adjoining property owners or occupants.

(Ord. 361, 4/8/1986; as amended by Ord. 365, 4/14/1987, §107)

§23-108. Shielding Lights.

All lights which illuminate any swimming pool or swimming pool area shall be placed or shaded in such a manner as to eliminate glare on adjoining properties.

(*Ord. 361, 4/8/1986; as amended by Ord. 365, 4/14/1987, §108*)

§23-109. Unnecessary Noise.

It shall be unlawful for any person to make, continue or cause to be made or continued at any swimming pool, any loud, unnecessary or unusual noise which disturbs, injures or endangers the comfort, health, peace or safety of others. The use or operation of any radio, musical instrument, phonograph, recording equipment or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants or at any time with volume louder than is necessary for convenient hearing of persons at the swimming pool site shall be unlawful.

(*Ord. 361, 4/8/1986; as amended by Ord. 365, 4/14/1987, §109*)

§23-110. Electrical Connections.

1. All electrical installations shall conform to the specifications of the National Electrical Code. No electric wires or conductors shall cross, either overhead or underground, on any part of a swimming pool, nor shall any electric wiring be installed parallel to any pool wall closer than 5 feet, if underground, unless enclosed in a rigid conduit, or within 5 feet, if overhead, or at such other minimum distance required by the National Electric Code as the same may be amended from time to time.
2. All underwater lights must be watertight, self-contained units with ground connections running from a waterproof junction box to a proper grounding facility or medium. All underground electric wires supplying current to said lights within a distance of 5 feet of the pool wall or walls shall be enclosed in rigid conduits.
3. All metal fences, enclosures or railings, near or adjacent to a swimming pool, which might become electrically charged as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded or bonded.
4. All electrical work done on any swimming pool, including all auxiliary equipment such as pumps, filters and other mechanical and electrical equipment, shall conform to the requirements of the National Electrical Code and all amendments and supplements thereto. A written certificate for a final inspection on electrical work by an approved inspection agency shall be delivered to the Code Enforcement Officer prior to any use of the swimming pool.

(*Ord. 361, 4/8/1986; as amended by Ord. 365, 4/14/1987, §110*)

SWIMMING POOLS

§23-111. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than \$300 dollars, and/or to imprisonment for a term not to exceed 90 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 361, 4/8/1986; as amended by Ord. 365, 4/14/1987, §111)

§23-112. Special Coverage Requirements.

The following coverage requirements shall be applicable for lots 50 feet or less in width at the building setback line and situate within the R-1 Residential District, R-2 Residential District and R-3 Limited Residential District. For purposes of computing lot coverage for the construction of an in-ground swimming pool, for lots 50 feet or less in width at the building set back line and situate within the R-1 Residential District, R-2 Residential District or R-3 Limited Residential District, only 75% of the total area (water surface) of the in-ground swimming pool shall be used for purposes of computing lot coverage.

(Ord. 361, 4/8/1986; as amended by Ord. 365, 4/14/1987, §112)